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| APPLICATION NO.                                                                                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/699,020                                                                                       | 10/31/2003  | Yiming Ye            | SOM920030004US1     | 2131             |
| 59559 7590 08/21/2008<br>RYAN, MASON & LEWIS, LLP<br>90 FOREST AVENUE<br>LOCUST VALLEY, NY 11560 |             |                      |                     |                  |
| EXAMINER                                                                                         |             |                      |                     |                  |
| PATS, JUSTIN                                                                                     |             |                      |                     |                  |
| ART UNIT                                                                                         |             | PAPER NUMBER         |                     |                  |
| 3623                                                                                             |             |                      |                     |                  |
| MAIL DATE                                                                                        |             | DELIVERY MODE        |                     |                  |
| 08/21/2008                                                                                       |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/699,020

**Applicant(s)**

YE ET AL.

**Examiner**

JUSTIN M. PATS

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-12 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Notice to Applicant***

1. The following is a Non-Final office action. In response to Examiner's communication of 2/25/08, Applicant, on 5/27/08, amended claims 1, 18, 19, and 20, as well as the specification: all of these amendments have been entered. Applicant also cancelled claims 8 and 13–14. Claims 1–7, 9–12, and 15–20 are pending in this application and have been rejected below.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1–7, 9–12, 15–17, and 20 are directed to non-statutory subject matter because it fails to meet the legal requirements of a 'process'. The first step in determining whether a claim recites patent eligible subject matter is to determine whether the claim falls within one of the four statutory categories of invention recited in 35 U.S.C. § 101: a process, machine, manufacture and composition of matter. The latter three categories define "things" or "products," while a "process" consists of a series of steps or acts to be performed. For the purposes of § 101, federal case precedent has given a "process" a specialized, and limited meaning. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). A § 101 process must either (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101. Here, the claims merely obtain, maintain, and provide data. These process steps are not tied to another statutory class, nor is there a transformation of the data pertinent to the claim. Thus, the methods of claims 1–7, 9–12, 15–17, and 20 are not patent eligible processes under § 101.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1–7, 9–12, 15–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheson (U.S. 7,184,940) in view of a public use of Microsoft Project 2002 [hereinafter Project 2002], as evidenced by Pyron, *Special Edition Using Microsoft Project 2002*, Que Publishing, August 5, 2002, pg. 1–47.

6. As per claim 1, Matheson discloses a method of managing at least one collaborative process performed in accordance with a first entity and at least a second entity, the method comprising the steps of:

obtaining information associated with the at least one collaborative process used to design and develop a product (col. 2, lines 39–46; A collaboration object model captures various information related to an online meeting (i.e., collaborative process); *see also* Fig. 3, Product Requirement, ProductIdea objects; Fig. 4, ProductRequirementDecision, ProductRequirement, ProductSpecification; ProductFunction, ProductFunctionDecision, ProductIdea objects); and

based on at least a portion of the obtained information, dynamically maintaining an information structure representative of the collaborative process so as to assist at least one of the first entity and the second entity in managing at least a portion of the collaborative process

(col. 2, lines 39-46; col. 4, lines 28-32; Figure 2; The collaboration object model is an information structure.).

Matheson further teaches wherein the information structure comprises a pyramid structure (Figures 3-5 represent relational design structures, or pyramid structures, as many of the objects have one to many relationships.) and updating one or more check points associated with the information structure (check points are inherent to relational object models as certain objects cannot exist before other objects. For example, in Figure 4 a design issue is encapsulated by (and cannot exist before) a design representation. Col. 6, lines 11-19) but does not explicitly disclose the remaining limitations of claim 1. Project 2002, in the analogous art of collaborative process monitoring and tracking, teaches wherein the context pyramid structure provides a representation of the status of the collaborative process including one or more global and local tasks (Pyron, pg. 32-33, Fig. 15.1, displaying the hierarchy of tasks and subtasks, as well as the status of each task and subtask), and comprises results of a time offset calculation (*id.* Table 15.1, On Schedule indicator), a checkpoint calculation (*id.* Table 15.1, for example, Complete status indicator, however, all status indicators are arguably checkpoint calculations) and a potential energy level calculation (*id.*, Table 15.1, Late Status indicator) for the one or more global and local tasks involved in the collaborative process. It would have been obvious to one of ordinary skill in the art to modify Matheson to include the teaching of Project 2002 because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

7. As per claim 2, Matheson discloses the method of claim 1, further comprising the step of incorporating annotated business data into the information structure (col. 4, lines 28-52; A meeting plan object and conversation object include annotated business data as part of the collaboration object model.).

8. As per claim 3, Matheson discloses the method of claim 1, further comprising the step of incorporating annotated design data into the information structure (Figure 3 represents an annotated design for data of the collaborative object model.).

9. As per claim 4, Matheson discloses the method of claim 1, further comprising the step of controlling data flow associated with the at least one collaborative process based on the information structure (col. 5, lines 14-36; Figure 3 illustrates the data flow associated with a collaborative session.).

10. As per claim 5, Matheson discloses the method of claim 1, further comprising the step of fetching one or more design data features for at least one of monitoring and tracking the at least one collaborative process (col. 6, lines 43-59).

11. As per claim 6, Matheson discloses the method of claim 1, wherein the at least one collaborative process is a business process (col. 5, lines 14-36; A meeting is a business process.).

12. As per claim 7, Matheson discloses the method of claim 1, wherein the at least one collaborative process is an engineering design process (col. 5, lines 37-37-65; A meeting may include a discussion on product design requirements.).

13. As per claim 9, Matheson discloses the method of claim 1, wherein the information structure is multi-dimensional (Figures 3-5 represent relational design structures, or multi-dimensional structures, as many of the objects have one to many relationships.).

14. As per claim 10, Matheson discloses the method of claim 1, wherein the information structure is multi-resolution (Figures 3-5 represent relational design structures, or multi-resolution structures, as many of the objects have one to many relationships.).

15. As per claim 11, Matheson discloses the method of claim 1, wherein the obtained information comprises annotated data (Figure 3; The meeting discussion includes conversations from the meeting, which is annotated data.).

16. As per claim 12, Matheson discloses the method of claim 1, wherein the obtained information comprises user input (col. 6, lines 43-48; Information discussed during a collaboration meeting includes data that is captured, modified and accessed by all meeting participants.).



17. As per claim 13, Matheson discloses the method of claim 1, wherein the step of maintaining the information structure further comprises updating one or more check points associated with the information structure (Check points are inherent to relational object models as certain objects cannot exist before other objects. For example, in Figure 4 a design issue is encapsulated by (and cannot exist before) a design representation. Col. 6, lines 11-19).

18. As per claim 15, Matheson discloses the method of claim 1, further comprising the step of analyzing at least one of the obtained information and the information structure (col. 7, lines 49-59; The decision tracking object model allows decision analysis to be performed using user supplied questions, answers and product design issues.).

19. As per claim 16, Matheson discloses the method of claim 15, further comprising the step of generating one or more action representations based on the analyzing step (items 290 and 280 in Figure 3; Action items and commitments are generated.).

20. As per claim 17, Matheson discloses the method of claim 16, wherein the analyzing step is rule-based (The analyzing step is rule-based in that object-oriented relational database design requires that certain objects exist before others. Figure 3 illustrates a rule showing that Actors (i.e., meeting participants) make Commitments and Commitments ensure ActionItems.).

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21. Claims 18–20 represent corresponding apparatus, article of manufacture and method claims to the claims already rejected above. Therefore, claims 18–20 are rejected on the same basis as claims 1–13 and 15–17 above.

***Response to Arguments***

22. Applicant argues that Matheson does not teach a pyramid structure. Applicant's Remarks, 5/27/08, pg. 7. The Examiner respectfully disagrees. A pyramid structure comprises merely a single entity connected to a plurality of entities, as is evident from Fig. 19A of Applicant's drawings. Although not disclosed to the degree now reflected by the currently amended claim 1, Figs. 3–5 and col. 4, line 60—col. 5, line 2 of Matheson at least demonstrate this one to many, single to plurality relationship so as to meet the limitations of now cancelled claim 8.

23. Applicant's remaining arguments concern its most recent amendments: they have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Davies et al., U.S. Patent App. Pub. No. 2003/0033191.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN M. PATS whose telephone number is (571)270-1363. The examiner can normally be reached on Monday through Friday, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 3623

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